GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:1545
ANSWERED ON:25.07.2017
Constitutional Status to NCBC
Roy Prof. Saugata

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the proposed move to give constitutional status to the National Commission for Backward Classes (NCBC) has become complicated with the Rajasthan Government's decision for reservation to Gujjars as Special Backward Class (SBC) category;

(b) if so, the details thereof;

(c) whether the Government has taken any measures to ensure that all the reservations are not more than 50% ;

(d) if so, the details thereof;

(e) whether any State Government has announced reservations more than 50% ; and

(f) if so, the details thereof and the steps taken to minimise the reservation within 50% ?

Answer

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI KRISHAN PAL GURJAR)

(a) & (b): No, Madam.

(c) & (d): The Hon'ble Supreme Court in its order of 16.11.1992 in W.P. No. 930 of 1990 (Indra Sawhney case) directed that "The reservation contemplated in Clause (4) of Article 16 should not exceed 50%. While 50% shall be the rule, it is necessary not to put out of consideration certain extraordinary situation inherent in the great diversity of this country and the people. It might happen that in far-flung and remote areas the population inhabiting those areas might, on account their being out of the main-stream of national life and in view of the conditions peculiar to and characteristic of them need to be treated in a different way, some relaxation in this strict rule may become imperative. In doing so, extreme caution is to be exercised and a special case made out. For applying this rule, the reservation should not exceed 50% of the appointments in a grade, cadre or service in any given year, Reservation can be made in a service or category only when the State is satisfied that representation of backward class of citizens therein is not adequate ."
(e) & (f): The principles laid down by the Supreme Court in the aforesaid Indra Sawhney case are applicable for States also. However, services under the State come under the list-II of the Seventh Schedule of the Constitution i.e. State List.